



**CITY OF SANTA BARBARA
CREEKS RESTORATION/WATER QUALITY IMPROVEMENT
CITIZENS ADVISORY COMMITTEE MINUTES**

SPECIAL MEETING

May 13, 2009

Council Chambers, 735 Anacapa Street

CALL TO ORDER

Chair Moldaver called the meeting to order at 5:35pm.

ROLL CALL

Committee members present: Chair Moldaver, Roger Schlueter, George Weber, Daniel Wilson

Committee members absent: Michael Jordan

Liaison members present: None

Liaison members absent: Park and Recreation Commissioner Daniel Hochman, Councilmember Iya Falcone, Planning Commissioner John Jostes

Staff present: Creeks Restoration/Clean Water Manager Cameron Benson, Parks and Recreation Director Jill Zachary, Creeks Restoration Planner George Thomson, Creeks Program Assistant Liz Smith

APPROVAL OF MINUTES

Mr. Schlueter noted that at the March 11 meeting he asked "whether there was a mechanism to seek an alternate member in the event the Committee is low"; and, that at the March 27 meeting, discussion of the Upper Las Positas Creek Restoration and Storm Water Management Project included subsequent discussion emphasizing that historically the Committee had agreed to devote Measure B funds to the project.

Motion:

Committee members Wilson/Weber to approve the minutes of the regular meeting of March 11, 2009 and the special meeting of March 27, 2009 as amended.

Vote:

Unanimous voice vote.

AGENDA ADJUSTMENTS

None.

Mr. Benson announced that there are two vacancies on the Creeks Advisory Committee, and that recruitment is currently underway, with applications due to the City Clerk's Office no later than Friday, May 22 at 5:00pm.

PUBLIC COMMENT

Mr. Vernon Meche requested the City address maintenance of Mission Creek in the area between De La Vina Street and Alamar Avenue, including sewage spills due to a pipe bottleneck; flood concerns such as bridge footing and obstructions, and potential additional risks due to the Jesusita Fire; cleanup of trash and newspapers collected beneath the De La Vina Street bridge; and, expressed concerns regarding the mulch pile at Oak Park. Mr. Meche also noted that he has contacted Santa Barbara County Flood Control regarding flood risks in the area.

COMMITTEE MEMBER AND STAFF COMMUNICATIONS

Mr. Schlueter noted that he spoke to Ms. Falcone at another event, who suggested that the Committee does not need to wait for the twice annual recruitment, and that Council can appoint a new member at any time; and, requested that staff check on the status of appointing new Committee members.

SUBCOMMITTEE REPORTS

Mr. Moldaver noted that the Budget Subcommittee met with staff on April 22 to review Fiscal year 2010 budget recommendations.

8. BUSINESS ITEMS

a. Upper Las Positas Creek Restoration and Storm Water Management Project Construction

Recommendation:

That the Committee review the Upper Las Positas Creek Restoration and Storm Water Management Project and recommend that Council authorize transfer of funds from the Creeks unappropriated reserve to cover construction costs, and authorize proceeding with construction.

Documents:

Staff Report – May 2009
Power Point Presentation – May 2009

Speakers:

George Thomson, Creeks Restoration Planner

Public Comment:

Mr. Brian Trautwein of the Environmental Defense Center spoke in favor of the project, and urged the Committee to move forward in support of the project.

Committee Questions/Discussion:

Committee members asked questions regarding whether the contractor added the contingency; whether the revised RFP allowed a general contractor to bid with a golf subcontractor providing the Golf Division's portion of the

project; and, whether there is a potential for conflict of recommendations between the Golf and Creeks Divisions.

Mr. Thomson reported that staff includes the contingency for unforeseeable additional costs; that only the contractor for the Golf Division project is required to have golf course experience, and that staff will work closely with the Golf Division and the contractors; and, that a conflict of recommendations between Golf and Creeks could be possible, but that staff has met with the Golf Advisory Committee several times, spoken to the golf course architect, and reviewed the qualifications of the subcontractor included in Shaw Construction's bid, and that the Golf Division is comfortable with the subcontractor's work and qualifications and staff does not foresee a conflict.

Mr. Wilson noted that he has worked with Shaw Construction and was very pleased with their professionalism and attention to detail.

Motion:

Committee members Schlueter/Weber to recommend that Council authorize a transfer of funds from the Creeks unappropriated reserve to cover construction costs and authorize proceeding with construction.

Vote:

Unanimous voice vote.

Mr. Benson noted that the item will go to City Council for approval on June 2.

b. Recommended Fiscal Year 2010 Budget

Recommendation:

That the Committee recommend approval of the Creeks Division Fiscal Year 2010 Budget to the Park and Recreation Commission and the City Council.

Documents:

Staff Report – May 2009

Power Point Presentation – May 2009

Speakers:

Cameron Benson, Creeks Division Manager

Committee Questions/Discussion:

Mr. Benson reported that at the May 4 City Council meeting, Ms. Falcone raised the question of shifting the cost of beach cleaning and grooming from the Parks & Recreation budget to Measure B funds, and requested input from the Committee.

Committee members asked questions regarding the timing of the transfer from unappropriated reserves for the Upper Las Positas Creek Restoration

project will take place; and, whether the Council-approved salary increase will affect all City departments

Mr. Benson reported the transfer from unappropriated reserves, once approved by Council, will take place in June, during Fiscal Year 2009; and, that the new MOU and salary increase will affect all departments, but that there are a number of different unions representing different groups of employees.

Committee members asked questions regarding the cost of beach grooming; whether Ms. Falcone was suggesting Measure B pay for beach raking and grooming only; whether the suggestion was aimed at Fiscal Year 2010; and, whether the proposed budget would need to be adjusted if Measure B funds were used for beach grooming.

Ms. Zachary reported that the beach maintenance program is operated by the Parks Division, and that the cost for beach raking and grooming in Fiscal Year 2009 was \$142,000, which includes salaries and benefits, equipment operators and maintenance, and biological surveys, and that the Parks Division also hand cleans around the perimeters of outfalls, prepares and puts out lifeguard towers, supports any beach activities or festivals, deals with dead animals, storms, beach debris, and boats that break free of moorings, for a total budget of \$260,000; that staff believes Ms. Falcone was suggesting Measure B pay \$142,000 for beach raking and grooming; that staff understands Ms. Falcone was opening discussion for Fiscal Year 2010; and, that Ms. Falcone was interested in opening discussion of this cost shift.

Committee members asked questions regarding grant funding and estimated revenue.

Mr. Benson reported that grant funding is not assumed when the estimated revenue number is generated, and that grant funding is specifically allocated to Capital projects, with none of the Operating budget funded by grants.

Public Comment:

Mr. Brian Trautwein of the Environmental Defense Center acknowledged staff for securing \$1.3 million in grants in Fiscal Year 2009, and spoke in favor of the increase in Capital projects and new programs such as the Creek Tree Program and Business Assistance Program; and, expressed concerns regarding shifting beach grooming costs to Measure B funds. Mr. Trautwein noted that Measure B was meant to supplement General Fund and existing programs, not to supplant them, and that he feels that shifting beach cleaning costs to the Creeks Division budget would be against the purpose of Measure B.

Committee Questions/Discussion:

Mr. Wilson questioned the legality in regards to the Brown Act of discussing the suggestion of Measure B funding of beach grooming, and suggested that the item be formally noticed to give the Committee and the public time to think about and comment on the issues; that he feels it is significant enough of a policy shift that it would set a dangerous precedent, contrary to the creation and public support of Measure B; and, noted that from ecological perspective he is unsure of supporting beach raking.

Mr. Schlueter agreed that it is an important issue and should be noticed, and that \$142,000 is a significant chunk of the Creeks Division budget, and suggested that it not be a part of the Fiscal Year 2010 budget; and, expressed concern about the precedent, noting Creeks Division funding of Mutt Mitts as an example.

Mr. Benson noted that the Creeks Division has provided some of the Mutt Mitt funding over the last several years, at about \$5,500 per year; that while the Parks Division intends to provide the same level of Mutt Mitts as in past years, they are unsure how long they will be able to fund them; and, that the \$15,000 would cover the entire Mutt Mitts budget if needed, and the intent is to make the normal contribution of \$5,500 and have the remainder as backup.

Mr. Schlueter noted that he was not questioning the Mutt Mitt program, but expressing concern about the precedent that such an action creates.

Mr. Weber agreed that he is concerned about setting a bad precedent, and that beach grooming would be an inappropriate use of Measure B funds; and, noted that he appreciates the Parks and Recreation Department's financial situation, and hopes they can find funding elsewhere.

Motion:

Committee members Weber/Schlueter to recommend approval of the Creeks Division Fiscal Year 2010 budget to the Park and Recreation Commission and the City Council.

Committee Discussion:

Mr. Moldaver noted that he feels Ms. Falcone was trying to be innovative and creative at a time when the City is in trouble, that she means the best for the Creeks Division and the City; and, that he feels it's clearly against the initial intent of Measure B to use funds to backfill existing programs.

Mr. Wilson requested confirmation that the use of Measure B funds for beach grooming was not included in the motion on the table.

Mr. Moldaver confirmed that the suggestion was not included in the motion, and that the noticed item was to recommend the draft budget as presented.

Mr. Schlueter quoted the sample Measure B ballot, noting that nowhere does it include beach cleanup, nor is it included in the Creek Division's goals and objectives, but added that conceptually he sees the connection.

Vote:

Unanimous voice vote.

Mr. Moldaver requested that staff provide a preliminary report regarding the estimated impacts of the Jesusita Fire on local creeks and watersheds at the June meeting.

ADJOURNMENT

Motion:

Committee Members Schlueter/Wilson to adjourn.

Chair Moldaver adjourned the meeting at 7:16pm.

Respectfully submitted,

Cameron Benson
Creeks Restoration/Clean Water Manager